APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,597	01/22/2002	Gregory S. Lauer		7140

7590 10/11/2005	EXAMINER

Ansel M. Schwartz
Attorney at Law
201 N. Craig Street
Suite 304
Pittsburg, PA 15222

EXAMINER
BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HC

	Application No.	Applicant(s)
	10/054,597	LAUER, GREGORY S.
Office Action Summary	Examiner	Art Unit	
	Bradley B. Bayat	3621	.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Status of Claims

This communication is in response to amendment filed on July 11, 2005. The abstract,

title and claim 1 have been amended. Thus, claims 1-19 remain pending.

Response to Arguments

Applicant's arguments filed July 11, 2005 have been fully considered but they are not

persuasive.

Applicant argues that "the generating step" of amended claim 1, wherein a GIU is

generated is not disclosed in the cited reference (response p.17).

Paragraph 14 of the cited reference states: "[O]ne or more service templates may be

generated for a service provider's offering that each includes one or more conformance

categories having threshold ranges associated therewith. The service provider and/or the

customer may then select a service template on which to base a contract, such as a service level

agreement (SLA)." Clearly, the generation of a GUI is disclosed and would not be possible for a

user to interact with the system to include values or parameters to carry out the invention.

Applicant is further directed to review paragraphs [0045-0068] of the cited reference and the

section under paragraph [0101] Service Contract Generation and Conformance Management.

The applicant further contends that the cited reference merely "teaches the user, him or

herself, must generate the information which is put into the computer in which to store and

maintain the information (response·p.19)." Applicant submits that the claimed invention

"essentially does all the work" wherein applicant's invention "has to do with generating node

configuration data itself." Id.

Applicant relies on the above arguments as per claim 1 to overcome the rejection of claims 2-19 as well.

As applicant is aware and specified in the specification paragraphs [0034-0042], a node is a communication point/junction for data elements/structures in a networking device, such as a client computer, a server, or even a shared printer that is connected to the network and capable of communicating with other network devices (see Microsoft Computer Dictionary for further specificity). The cited reference discloses such a configuration in paragraph [0039] stating: "A VPN may comprise one or more VCs. It will be understood, however, that the network 22, in general, may be partitioned into one or more VPNs. A VPN is a set of nodes on a public network that communicate among themselves using encryption technology so that their messages are safe from being intercepted and understood by unauthorized users as if the nodes were connected by private lines."

Therefore, applicant's argument and distinction with regards to the cited reference is not persuasive and fails to overcome the cited rejection based on the language of the claims as recited.

Accordingly, **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Fekih et al. (hereinafter El-Fekih), US 2002/0039352 A1.

<u>As per the following claims, El-Fekih discloses</u>:

1. A method for generating node configuration data, comprising: forming a service level agreement template, said forming including determining a plurality of traffic classes, determining at least one required input for a first graphical user interface, and determining at least one required input for a second graphical user interface; obtaining service level agreement constraints for at least one service level agreement, said obtaining including generating said first graphical user interface, obtaining, through said first graphical user interface, indication of a selected one of said plurality of traffic classes, obtaining, through said first graphical user interface, at least one value associated with said at least one required input for said first graphical user interface, generating said second graphical user interface, and obtaining, through said second graphical user interface, at least one value associated with said at least one required input for said second graphical user interface; and generating, responsive to said selected one of said plurality of traffic classes, said at least one value associated with said at least one required input for said first graphical user interface, and said at least one value associated with said at least one required input for said second graphical user interface, node configuration data, said node configuration data describing how at least one resource in at least one networking device is to be configured to support at least one network service described by said selected one of said plurality of traffic classes, said at least one value associated with said at least one required input for said first graphical user interface (¶14-21; 43-48; figures 15, 18-20 and associated text).

2. The method of claim 1, further comprising: determining at least one default equation

associated with said first graphical user interface; applying said default equation to said at least

one value associated with said at least one required input for said first graphical user interface to

generate a first set of outputs; and wherein said generating said node configuration data is further

responsive to said first set of outputs (¶39, 83-98).

3. The method of claim 1, said forming said service level agreement template further comprising:

determining at least one optional input for said first graphical user interface; determining at least

one format of at least one screen display in said first graphical user interface, wherein said at

least one screen format includes a first field associated with said required input for said first

graphical user interface and a second field associated with said optional input for said second

graphical user interface; and wherein said generating said first graphical user interface includes

displaying said at least one screen display (figures 1 and associated text, ¶40-42, 104-110).

4. The method of claim 2, wherein said at least one default equation comprises program code

(¶70-87; figures 3-6 and associated text).

5. The method of claim 1, wherein said determining said at least one required input for said

second graphical user interface further comprises determining required information describing at

least one resource associated with at least one networking device, wherein said required

information associated with said at least one resource describes, at least in part, a virtual private

network (figures 18-20 and associated text).

6. The method of claim 5, wherein said required information describing said at least one resource comprises a virtual network identifier (¶37-57).

7. The method of claim 5, wherein said required information describing said at least one resource comprises an indication of whether connectivity is required between said at least one networking device and a second networking device (figure 7 and associated text).

8. The method of claim 1, wherein said forming said service level agreement template further includes: determining at least one optional input for said second graphical user interface, determining at least one format of at least one screen display in said second graphical user interface, wherein said at least one screen format includes a first field associated with said required input for said second graphical user interface and a second field associated with said at least one optional input for said second graphical user interface; and wherein said generating said second graphical user interface includes displaying said at least one screen display in said second graphical user interface responsive to said at least one format (¶32-52).

9. The method of claim 1, wherein said forming a service level agreement template comprises receiving at least one input through a third graphical user interface (¶50).

Claims 10-19 are directed to a system of the above claimed method and are rejected as above.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent 6,822,940 B1 to Zavalkovsky et al.

- U.S. Patent 6,721,713 B1 to Guheen et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.

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